

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Firefighters MICHAEL BACON,
ANDREA KERNKAMP, JOE
HOWARTH, BRENNAN COOKE,
TIM WHEELER, TOM HARVEY,
JOEL BROSE, TANNER
TOWNSEND, CURTIS SMITH,
ISAIAH DEAN, NICHOLAS
HOLMES, MATTHEW NORTON,
JHAR FULLER, STEVEN HOWIE,
JEFFREY BAXTER, ARIC PISA,
DUANE WILCOX, DAVID
HEIZER, JAMES BILLMAN,
MARLIN THORMAN, JASON
WEBSTER, TIMOTHY ARCHER,
COREY BARKER, SCOTT
MCCANN, and CONNOR
FOXWORTH,

Plaintiffs,

v.

NADINE WOODWARD, the Mayor
of the City of Spokane, Fire Chief
BRIAN SCHAEFFER, and the CITY
OF SPOKANE,

Defendants.

NO. 2:21-CV-0296-TOR

ORDER GRANTING GOVERNOR
JAY INSLEE AND ATTORNEY
GENERAL ROBERT W.
FERGUSON'S MOTION TO
INTERVENE

1 BEFORE THE COURT is Intervenor-Defendant Governor Jay Inslee and
2 Attorney General Robert W. Ferguson’s Motion to Intervene (ECF No. 28). This
3 matter was submitted for consideration without oral argument. The Court has
4 reviewed the record and files herein and is fully informed. Finding no reason to
5 delay, the Court hereby **GRANTS** Intervenor-Defendants’ Motion.

6 Motions to intervene are governed by Federal Rule of Civil Procedure 24.
7 Rule 24(a) governs intervention as a matter of right. It provides, in relevant part,
8 that “[o]n timely motion, the court must permit anyone to intervene who . . . claims
9 an interest relating to the property or transaction that is the subject of the action,
10 and is so situated that disposing of the action may as a practical matter impair or
11 impede the movant’s ability to protect its interest, unless existing parties
12 adequately represent that interest.” Fed. R. Civ. P. 24(a)(2). Rule 24(b), by
13 contrast, governs permissive intervention. It provides, in relevant part, that “[o]n
14 timely motion, the court may permit anyone to intervene who . . . is given a
15 conditional right to intervene by a federal statute[.]” Fed. R. Civ. P. 24(b)(1)(A).
16 It also provides, in relevant part, that “[o]n timely motion, the court may permit a .
17 . . state governmental officer or agency to intervene if a party’s claim or defense is
18 based on . . . any regulation, order, requirement, or agreement issued or made
19 under the statute or executive order.” Fed. R. Civ. P. 24(b)(2). In deciding
20 whether to allow a party to intervene under Rule 24(b), a court “must consider

1 whether the intervention will unduly delay or prejudice the adjudication of the
2 original parties' rights." Fed. R. Civ. P. 24(b)(3).

3 The Court finds that the Intervenor's motion is timely. The Plaintiffs'
4 Complaint was filed on October 14, 2021, and the instant motion was filed the next
5 day. The Court also finds that neither Plaintiffs nor Defendants will be prejudiced
6 if the motion is granted.

7 At issue in this lawsuit is Governor Inslee's Proclamation 21-14. He has a
8 vested interest in defending his Proclamation. Additionally, federal law grants to
9 state Attorneys General the right to receive notice of any challenge to the
10 constitutionality of state law and the right to intervene to defend the state law from
11 challenge. 28 U.S.C. § 2403(b). Thus, Attorney General Ferguson has a statutory
12 right to intervene.

13 **ACCORDINGLY, IT IS HEREBY ORDERED:**

14 Governor Jay Inslee and Attorney General Robert W. Ferguson's Motion to
15 Intervene, ECF No. 28, is **GRANTED**.

16 The District Court Executive is directed to enter this Order and furnish
17 copies to counsel.

18 DATED October 18, 2021.



A handwritten signature in blue ink that reads "Thomas O. Rice".

THOMAS O. RICE
United States District Judge